

## CHAPTER 449

S.B. No. 819

## AN ACT

relating to the disposal of demolition waste from abandoned or nuisance buildings by certain local governments.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Subsection (b), Section 361.126, Health and Safety Code, is amended to read as follows:

(b) The commission may issue a permit by rule to authorize the governing body of a county or municipality with a population of 12,000 ~~10,000~~ or less to dispose of demolition waste from a building if the disposal occurs on land that:

- (1) the county or municipality owns or controls; and
- (2) would qualify for an arid exemption under commission rules.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

Passed the Senate on March 27, 2013: Yeas 30, Nays 0; passed the House on May 17, 2013: Yeas 139, Nays 0, three present not voting.

Approved June 14, 2013.

Effective June 14, 2013.

## CHAPTER 450

S.B. No. 825

## AN ACT

relating to disciplinary standards and procedures applicable to grievances alleging certain prosecutorial misconduct.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 81.072, Government Code, is amended by amending Subsection (b) and adding Subsections (b-1) and (b-2) to read as follows:

(b) The supreme court shall establish minimum standards and procedures for the attorney disciplinary and disability system. The standards and procedures for processing grievances against attorneys must provide for:

- (1) classification of all grievances and investigation of all complaints;
- (2) a full explanation to each complainant on dismissal of an inquiry or a complaint;
- (3) periodic preparation of abstracts of inquiries and complaints filed that, even if true, do or do not constitute misconduct;
- (4) an information file for each grievance filed;
- (5) a grievance tracking system to monitor processing of grievances by category, method of resolution, and length of time required for resolution;
- (6) notice by the state bar to the parties of a written grievance filed with the state bar that the state bar has the authority to resolve of the status of the grievance, at least quarterly and until final disposition, unless the notice would jeopardize an undercover investigation;
- (7) an option for a trial in a district court on a complaint and an administrative system for attorney disciplinary and disability findings in lieu of trials in district court, including an

appeal procedure to the Board of Disciplinary Appeals and the supreme court under the substantial evidence rule;

(8) an administrative system for reciprocal and compulsory discipline;

(9) interim suspension of an attorney posing a threat of immediate irreparable harm to a client;

(10) authorizing all parties to an attorney disciplinary hearing, including the complainant, to be present at all hearings at which testimony is taken and requiring notice of those hearings to be given to the complainant not later than the seventh day before the date of the hearing;

(11) the commission adopting rules that govern the use of private reprimands by grievance committees and that prohibit a committee:

(A) giving an attorney more than one private reprimand within a five-year period for a violation of the same disciplinary rule; or

(B) giving a private reprimand for a violation:

(i) that involves a failure to return an unearned fee, a theft, or a misapplication of fiduciary property; or

(ii) of a disciplinary rule that requires a prosecutor to disclose to the defense all evidence or information known to the prosecutor that tends to negate the guilt of the accused or mitigates the offense, including Rule 3.09(d), Texas Disciplinary Rules of Professional Conduct; and

(12) distribution of a voluntary survey to all complainants urging views on grievance system experiences.

*(b-1) In establishing minimum standards and procedures for the attorney disciplinary and disability system under Subsection (b), the supreme court must ensure that the statute of limitations applicable to a grievance filed against a prosecutor that alleges a violation of the disclosure rule does not begin to run until the date on which a wrongfully imprisoned person is released from a penal institution.*

*(b-2) For purposes of Subsection (b-1):*

*(1) "Disclosure rule" means the disciplinary rule that requires a prosecutor to disclose to the defense all evidence or information known to the prosecutor that tends to negate the guilt of the accused or mitigates the offense, including Rule 3.09(d), Texas Disciplinary Rules of Professional Conduct.*

*(2) "Penal institution" has the meaning assigned by Article 62.001, Code of Criminal Procedure.*

*(3) "Wrongfully imprisoned person" has the meaning assigned by Section 501.101.*

SECTION 2. As soon as practicable after the effective date of this Act but not later than December 1, 2013, the Texas Supreme Court shall amend the Texas Rules of Disciplinary Procedure to conform with Section 81.072, Government Code, as amended by this Act.

SECTION 3. This Act takes effect September 1, 2013.

Passed the Senate on March 26, 2013: Yeas 31, Nays 0; passed the House on May 14, 2013: Yeas 147, Nays 0, one present not voting.

Approved June 14, 2013.

Effective September 1, 2013.

## CHAPTER 451

S.B. No. 828

AN ACT

relating to the marketing of certain alcoholic beverages by manufacturers and their agents; providing for a permitting fee.